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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,732	10/15/2003	Ching-Hsuan Wang	T-1265	1765

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EXAMINER

YIP, WINNIE S

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/688,732

Applicant(s)

WANG, CHING-HSUAN

Examiner

Winnie Yip

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This is a first office action .

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 5, 7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Wan (US Patent No. 5,411,046).

Wan shows and teaches a foldable tent comprising: at least four frame loops (40) each made of foldable rod (40), the frame loops being pivotally connected one to another by multiple easing pieces (32) to form a tent frame with at least four sides, each multiple easing piece including two sleeves (44) mounted respectively around two adjacent rods of two adjacent frame loops and connected by a web (32), and at least one cover piece mounted over the tent frame. Wherein, the frame loop has a trapezoidal shape or may be a egg-shape, each of the frame loop being covered by at least one cover piece (30) to form a panel, at least one panel includes two cover pieces including a entry way between the other cover piece, a ventilation net may attached to one of the cover piece, and a plurality of peg loops (no number) formed on the corner cover pieces (34) between the panel for anchoring the tent to a support surface such as to the ground.

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3. Claims 1, 3-5, 7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Cung '959 in view of Wan (US Patent No. 5,411,046).

Cung shows and teaches a foldable tent comprising: at least four frame loops each made of foldable rod, the frame loops being pivotally connected one to another to form a tent frame with at least four sides, at least one cover piece mounted over the tent frame, the frame loop has a trapezoidal shape such as a egg-shape, each of the frame loop being covered by at least one cover piece to form a panel, at least one of the panel including two cover pieces, one of the panel having a entry way formed thereon, at least one of the panel having one a ventilation net attached to one another one of the cover pieces, and a plurality of peg loops formed on the corner cover pieces (34) between the panel for anchoring the tent to a support surface such as to the ground. Although Cung does not show a plurality of frame loops being connected together by a plurality of easing piece as claimed. Wan teaches a tent comprising four frame loops being pivotally connected adjacent one to another by an easing piece which includes two sleeves (44) mounted respectively around two adjacent respectively rods (40) of two adjacent frame loops and connected by a web (32). It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the tent of Cung having an easing piece connecting two adjacent frame loops as taught by Wan for providing additional space between the frame loops and being folded more flexibly and easily.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wan '046 as applied to claim 1 above, and view of Cung (US Patent No. Des 412,959).

Although Wan only shows the panels of the tent being generally trapezoidal shape but not an egg shape as claimed, it would have been obvious to one of ordinary skill in the art to vary the shape of the of Wan being an egg-shaped instead of a trapezoidal shape as claimed because to do so would merely involve a matter of obvious design choice for a variety of application for aesthetic purposes. Since the applicant has not disclosed that the specific shape of the panels solves any stated problem or is for any particular purpose, it appears that the claimed invention would perform equally well with the panel having choice of shapes such as an egg-shape instead of a trapezoidal shape.

6. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wan '046 as applied to claim 1 above, and further in view of Zheng (US Patent No. 5,722,446) .

Although Wan does not define the tent having a basket or a dartboard being attached to one of the panels as claimed, Zheng teaches a foldable tent (i.e., Figs. 11 or 13) comprising a plurality of panels each formed by a frame loop covered by a cover piece (332, 334, 336, 338) being coupled together by a easing piece. Wherein the panel would formed with a basket (Fig. 11, 214) or a dartboard for providing entertainment features for one to use the tent. It would have been obvious to one ordinary skill in the art, at the time the invention was made, to modify the tent of Wan having some sport features provide on a selected location of the tent as taught by Zheng for providing a tent with suitable entertainment outdoor activities for a user to be use.

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Citations


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shinner et al. '086, DePasquale '958, Zheng '705, Zheng '510, Zheng '923, Kellogg et al. '188, Norman '812 teach various foldable tents comprising panels being formed by frame loops being covered by a cover piece as similar to the claimed invention.

Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Winnie Yip
Primary Examiner
Art Unit 3637

wsy
October 3, 2005